

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**KAI D. INGRAM,**

**Plaintiff,**

**V.**

B. RUDZIENSKI, et al.,

## Defendants.

**Civil No. 22-42**

**Judge Marilyn J. Horan/**

**Magistrate Judge Patricia L. Dodge**

## ORDER

On March 27, 2023, the Court entered a Memorandum Order adopting the Magistrate Judge's Report and Recommendation, ECF No. 34, as to Defendants' Motion to Dismiss, and adopting the Magistrate Judge's Report and Recommendation, ECF No. 35, that recommended denial of Plaintiff Kai Ingram's Motion for Temporary Restraining Order. ECF No. 39. Objections were due by March 16, 2023, but no Objections were filed.

On April 4, 2023, Mr. Ingram filed an Objection to the Court's Memorandum Order. ECF No. 40. Mr. Ingram explained that he had timely filed his Objections within the prison's mail system. ECF No. 40. Mr. Ingram included a copy of his Objections with his April 4, 2023 Objections. ECF No. 41. On April 4, 2023, the Court also received Mr. Ingram's Objections, with an envelope indicating that the Objections were timely postmarked on March 16, 2023. ECF No. 42 & 42-1. It appears that Mr. Ingram's Objections were timely filed but were delayed in arriving at the Clerk of Courts; thus, the Court will reconsider its March 27, 2023 Memorandum Order. Since there were no Objections filed as to the Report and Recommendation denying the Motion for Temporary Restraining Order, the Court's March 27, 2023 decision, ECF No. 39, adopting said Report and Recommendation, will not be

reconsidered. Defendants will be ordered to file a Response to the Objections concerning the Defendants' Motion to Dismiss.

Once Defendants' Response is filed, the Court will "make a de novo determination of those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1). "When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation." *Stockton v. Wetzel*, No. 1:21-CV-00029, 2022 WL 2919281, at \*1 (M.D. Pa. July 25, 2022) (citing *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984)). When a party raises general objections, "'the court's review is limited 'to ascertaining whether there is 'clear error' or 'manifest injustice'' on the face of the record.'" *Stockton*, 2022 WL 2919281, at \*1 (quoting *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at \*1 (M.D. Pa. Sept. 9, 2009)).

Accordingly, the following Order is hereby entered.

AND NOW, this 7th day of April 2023,

IT IS ORDERED as follows:

1. The Court accepts Mr. Ingram's Objections filed at ECF No. 42, received on April 4, 2023, as timely filed as of March 16, 2023. In light of said Objections, the Court will reconsider its decision adopting the February 3, 2023 Report and Recommendation, ECF No. 34, concerning Defendants' Motion to Dismiss.

2. Defendants are hereby ORDERED to file a Response to said Objections, ECF No. 42, by April 21, 2023.

3. The filing deadline for an amended complaint of May 1, 2023, stated in the March 27, 2023 Memorandum Order, is hereby terminated.

4. The provision of the March 27, 2023 Memorandum Order that adopted the Magistrate Judge's Report and Recommendation, ECF No. 35, and denied Plaintiff's Motion for Temporary Restraining Order is reaffirmed.

s/Marilyn J. Horan  
Marilyn J. Horan  
United States District Judge

cc: Kai D. Ingram, pro se  
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